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Sim & McBurney

Patent and Trade Mark Agents

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1038-865 MIS:as

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July 6, 1999

BY COURIER

The Commissioner of Patents
And Trademarks,
Washington, D.C. 20231,
U.S.A.

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JUL 23 1999

Dear Sir:

Publishing Division
Corres/Allowed Files (05)

Re: U.S. Patent Application 09/190,246
Mark Parrington et al
ALPHA VIRUS VECTORS FOR
PARAMYXOVIRUS VACCINES
Art Unit: 1642

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JUL 22 1999

Publishing Division
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AUG - 4 1999
TC 1600 MAIL ROOM

We refer to your correspondence of June 21, 1999 comprising:

1. Notice of Incomplete Reply
2. Notice of Incomplete Application

The first document refers to a reply to a Notice to File Missing Parts dated April 27, 1999. As far as the undersigned can ascertain, no Notice to file Missing Parts has been received on this application and hence there has been no reply.

Applicants have submitted a Petition Under 37 CFR 1.48 to Correct Inventorship sent by courier on April 22, 1999 to the U.S. Patent Office and perhaps it is to this document that you refer. Since no Notice to File Missing Parts has been received, it is logical that applicant may not have provided all the necessary parts which such a response would require.

Both the Notice of Incomplete Reply and Notice of Incomplete Application refer to the specification as lacking claims. The specification as forwarded to our Arlington associate for filing included claims 1 to 38 on pages 29 to 34 of the specification, according to our file copy.

In response to these Notices, submitted herewith are:

330 University Avenue
6th floor
Toronto, Canada
M5G 1R7
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Cable "Simbas" Toronto
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WARREN J. GALLOWAY
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L.E. TRENT HORNE
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PETER W. MCBURNEY
TECHNICAL ASSISTANTS
JEFFREY W. WONG, B.Sc.E.E.
URSULA M. MCGUINNESS, Ph.D.

1. Copy of claims on pages 29 to 34 of the specification,
2. Cheque in the amount of the Surcharge Fee,
3. Copy of each Notice.

The Notice of Incomplete Application refers to a response being required within two months of the date of that Notice and is presumed to be the governing date, even though the Notice of Incomplete Reply indicates that the period for reply remains as set forth in the Notice to File Missing Parts.

Yours very truly,

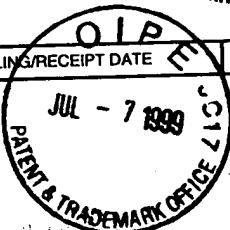
M.I. Stewart
M.I. Stewart
Reg. No. 24,973

Encl.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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DATE MAILED:

NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items, unless otherwise indicated, must be submitted within TWO MONTHS of the date of this Notice, or proceedings on the application will be terminated (37 CFR 1.53 ()).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the items required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.1 7(i)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

1. The specification (description and claims):

- a. is missing.
- b. does not include a written description of the invention.
- c. does not include at least one claim as prescribed by 35 U.S.C. 112.

A complete specification (including at least one claim in a nonprovisional application) as prescribed by 35 U.S.C. 112 is required.

2. The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

Applicant should reconsider whether drawings are necessary under 35 U. S. C. 113 (first sentence).

3. OTHER: _____

Additional observations on the above-identified application papers:

1. Pages _____ of the specification are missing.
 2. Figures _____ described in the specification are missing.

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Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

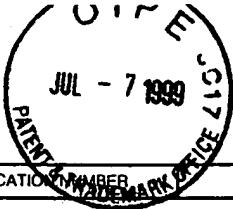
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Enclosed:

- "General Information Concerning Patents." See page _____.
- "Notice to File Missing Parts of Application," Form PTO-1532.
- "Checklist for Patent Applications."
- Other: _____

A copy of this notice MUST be returned with the reply.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARK
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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SEARCHED
SERIALIZED
FILED
TELETYPE
FEB 11 1999
P.M.

ACK'D MAIL

DATE MAILED:

NOTICE OF INCOMPLETE REPLY
(Filing Date Granted)

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The reply filed on 4/17/99 to the

JUL 22 1999

Notice to File Missing Parts (Notice)

Publishing Division

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Notice to File Corrected Application Papers (Notice)

mailed on 4/17/99 has been entered into the application. The reply, however, is incomplete for the following reason(s).

- 1. The filing fee required by the Notice has not been received. The amount of \$ _____ is due.
- 2. The surcharge of \$ 15 has not been received.
- 3. The oath or declaration for this nonprovisional application has not been received.
- 4. A \$50 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- 5. The oath or declaration for this nonprovisional application is not executed in compliance with 37 CFR 1.64(a) because:
 - a. The inventor's signature is missing.
 - b. The signature is missing for inventor(s) _____
- c. The application is one filed under 37 CFR 1.42, 1.43, or 1.47, and the oath or declaration is not executed by the person(s) qualified to make the oath or declaration.
- 6. The cover sheet (37 CFR 1.151(c)(1)) for this provisional application has not been received.
- 7. The reply does not include the following item(s) required by the Notice:

None

A complete reply must be timely filed to prevent **ABANDONMENT** of the above-identified application.

The period for reply remains as set forth in the Notice. You may, however, obtain an EXTENSION OF TIME under the provisions of 37 CFR 1.136(a) by filing a petition accompanied by the appropriate fee (37 CFR 1.17(a)).

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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